

proposed brief addresses the arguments of both Private Plaintiffs *and* Plaintiff-Intervenor. The briefing in this case has hardly proceeded like the normal months-long process in the courts of appeal. Usually in the appellate courts, Appellants would file their opening briefs on the same day, and Appellees also respond to both on the same day (often in the same filing) with a uniform deadline (known months in advance) of seven days later for amicus briefs supporting Appellees. Still, the seventeen Proposed Amici States joined together and asked to file an amicus brief *before* preliminary injunction briefing has concluded and within the time that would comply for an amicus brief in the appellate courts supporting Defendants' opposition to the United States' preliminary injunction motion. Fed. R. App. P. 29(a)(6). Private Plaintiffs waited a month-and-a-half after Governor Lee signed the Act to sue and then requested a speedy briefing schedule. They have even filed multiple new fact and expert declarations with their reply brief that Defendants did not have a chance to respond to. Private Plaintiffs can hardly protest delay or prejudice.

What is really going on is that Private Plaintiffs do not want this Court to consider a brief that further explains how numerous European countries disagree with WPATH, the Endocrine Society, and the AAP. The supposed "standards of care" that Plaintiffs point to are not really "based on the best available science and clinical experience" or "widely accepted and endorsed" in other modern democracies. Plaintiff-Intervenor's Mem. at 3. Those documents do not stand up to scrutiny, so Private Plaintiffs want to gag other States that have raised similar concerns about the practices of these advocacy groups and trade associations. Defendants want a full range of voices to be heard, especially if this Court is contemplating accepting Plaintiffs' invitation to second-guess the State of Tennessee's judgments.

Accordingly, Defendants ask this Court to grant the Proposed Amici's motion instead of silencing the voices of seventeen Proposed Amici States.

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2023, the undersigned filed the foregoing document via this Court's electronic filing system, which sent notice of such filing to the following counsel of record:

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